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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.835 OF 2004

Bhakti Sagar Apartment S.R.A.
Co-op. Hsg. Soc. Ltd. & Ors. ... Petitioners

Vs.

State of Maharashtra & Ors. ... Respondents

Mr. M.J. Jamdar for the petitioners.

None for the respondents.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 25TH NOVEMBER 2005.

P.C.:-

1. This writ petition is disposed of by this court on 6/7/2004. Today, this petition is placed before us because M/s. Nadkarni & Co., who were appointed as Court Commissioner to inspect the building "Bhakti Sagar Apartment" and make a report to this court whether the construction is completed as per the plan, have sent a letter to Mr. Jamdar, the learned counsel appearing for the petitioners stating that they have submitted a copy of their Bill No.2611 dated 28/4/2004 for Rs.10,800/- to the Master & Assistant Prothonotary. A copy of the letter addressed by M/s. Nadkarni & Co. to the Master & Assistant Prothonotary (J) dated 28/4/2004 is annexed to it. The letter dated 27/8/2004 along with its annexures are taken on record and marked 'X' (Colly.). It appears

that Rs.10,000/- have already been deposited by the petitioners with the Prothonotary & Senior Master. However, there is no order allowing M/s. Nadkarni & Co. to withdraw the said amount. Since the petition is disposed of and M/s. Nadkarni & Co. has carried out the said job, the Prothonotary & Senior Master, High Court, Bombay, is directed to allow M/s. Nadkarni & Co. to withdraw the said amount of Rs.10,000/- deposited with her by the petitioners. So far as excess amount of Rs.800/- is concerned, Mr. Jamdar, the learned counsel for the petitioners states that the petitioners will pay this amount to M/s. Nadkarni & Co. directly.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)